

### **III. REMARKS**

#### **Status of the Claims**

Claims 1-7, 10-19, and 23 are amended. New claims 25-36 are added. Claims 1-36 are presented for further consideration. Applicant is pleased to note that claims 10, 11, 22, and 23 are indicated to contain patentable subject matter.

Applicant has considered the Examiner's comments set forth in the Office Action mailed March 5, 2008 and responds in detail below. Reconsideration of the application is respectfully requested in view of the amendments and the following remarks.

#### **The Office Action**

Claims 1-12 are amended to overcome the objections raised by the Examiner in paragraphs 3 and 4 of the Office Action.

In paragraph 5, claims 1-9, 12-21 and 24 stand rejected under 35 U.S.C. 103(a) based on the combined teaching of the reference Durrett, U.S. Patent No. 9,964,830 and Official Notice. This rejection is traversed on the following grounds:

The combined teaching does not render claims 1-9, 12-21 and 24 obvious because it fails to teach or otherwise suggest each and every limitation of the claims. It is well settled that in order to establish a prima facie case for obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, without reference to the disclosure of this application. (MPEP Section 2142) ***In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria."**

In particular the combined teaching fails to disclose or suggest the following claimed features of independent claim 1, as amended:

**"a plurality of mobile terminals, each being provided with an application for acquiring personal content, and a transmitter and receiver for wireless communication with a telecommunications system, said personal content including at least one of photographs, text, video, speech, calendar information, and location information;.....**

**.....an extraction block for extracting data from said at least a first part of the personal content and an association block for associating said extracted data with said at least a second part of the personal content; and**

**a service provision block responsive to said association block to generate and/or provide a personalized service incorporating at least one of said photographs, text, video, speech, calendar information, and location information using said extracted data associated with said at least a second part of the personal content."**

Independent claim 13, as amended, and new independent claims 25, 29, and 33 have equivalent language.

It would appear from item 6 of the official action that the Examiner considers the encryption keys, user ID and password disclosed in Durrett to constitute, at least in part the personal content of applicant's claims. Although not explicitly stated, it would appear that the Examiner considers the encryption keys, user ID and password to constitute personal content in the form of text, as it is also clear that the encryption keys, user ID and password do not constitute photographs, video, speech, calendar information or location information. Applicant submits that this is a misinterpretation of both the content of the cited reference and the subject matter claimed in this application.

The so-called encryption data of Durrett is used, according column 5, lines 45-51, of Durrett, as follows:

**"Logging into the access provider computer and for activating local computer 10A is accomplished via fingerprint key 13A. Fingerprint**

**key 13A scans the user's fingerprint and correlates this to a file which is stored within the non-volatile memory of the access provider computer. In one embodiment, the "fingerprint" data serves as a "key" to de-crypt the data stored within the non-volatile memory."**

The encryption key of Durrett is used to obtain access to files stored in the memory of a remote server. There is nothing in Durrett that discloses or suggests that an application stored in a mobile terminal may select a second part of personal data from a remote data repository and combine it with another part of a personal data file stored in memory of a mobile telephone to obtain services that use the combined information.

Applicant, therefore, respectfully submits that the Examiner is mistaken in stating that Durrett discloses a service provision block adapted to provide a personalized service incorporating the combined information according to the claims of this application as amended. The encryption keys, user ID and password disclosed in Durrett are used to identify the user to the virtual disc server. After successful notification the user is allowed access to the virtual disc server such that software saved on the virtual disc server can be used to provide a service to the user. However, the service provided to the user does not incorporate the encryption keys, user ID and password as suggested by the Examiner. Rather, the encryption keys, user ID and password are only used to access the software which provides a service to the user. They are not used in the application. Accordingly, the combined teaching of the reference Durrett and official notice fails to teach or suggest the use of a mobile terminal as described in the independent claims of this application. These grounds apply equally to the rejected dependent claims, all of which, by dependency, have the limitations described in the independent claims. None of the cited references remedy the deficiencies of the primary reference Durrett.

For all of the above reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the

Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment of \$600 for twelve additional total claims, \$420 for two additional independent claims and for any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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Date

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